
IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****FAMILY COURT APPEAL NO.31 OF 2023**

Satish G. Chavan ..Appellant

Versus

Smita S. Chavan ..Respondent

***Mr.Harshwardhan Bhende i/b Regulus Advocates
& Consultants, Advocates for the Appellant.***

***Mr.Niranjan Bhavake, with Mr.Siddhesh G. Shetty i/b
Bhavake & Associates, Advocates for the Respondent.***

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**

DATE : SEPTEMBER 1, 2023

P.C.

By order dated 21st April, 2023, this Court recorded that the Appellant / Applicant was in arrears of approximately Rs.13,80,000/- towards payment of maintenance. In the said order, a statement was recorded on behalf of the Appellant / Applicant that he will make payment of 50% of the total arrears of maintenance within a period of three weeks from the said date and that the said amount will be transferred directly to the account of the Respondent and necessary compliance will be placed on record before the next date. This statement made on behalf of the

Appellant/Applicant was accepted as an undertaking given to the Court.

2 The matter thereafter reached on 4th August, 2023 when none remained present for the Appellant/Applicant. It was also brought to our attention on that date that despite the undertaking given by the Appellant to the Court, not a single farthing was paid towards the arrears of maintenance. Considering that none had appeared on behalf of the Appellant, we thereafter adjourned the matter to 11th August, 2023. On 11th August, 2023, the matter did not reach and finally reached on 18th August, 2023.

3 On 18th August, 2023 this Court passed an order recording the statement of the Appellant that he is handing over a cheque of Rs.2,00,000/- to the advocate for the Respondent and the balance amount of Rs.4,90,000/- (being the 50% of the total arrears) would be paid on or before 25th August, 2023. Accordingly, we accepted the statements made on behalf of the Appellant and we made it clear in our order that if the cheque of Rs.2,00,000/- and [which was handed over to the advocate for the Respondent in Court on 18th August, 2023], was dishonoured for

any reason whatsoever, the Appeal shall stand dismissed without further reference to the Court. We have therefore placed the above matter on Board today for reporting compliance.

4 Today when the matter is called out, we are informed that the cheque of Rs.2,00,000/- [that was handed over to the advocates for the Respondent on 18th August, 2023], has been dishonoured. Further, the balance amount of Rs.4,90,000/- and which was to be paid on or before 25th August, 2023 has also not been paid.

5 Today, the learned counsel appearing on behalf of the Appellant has fairly not tried to make any excuse for the aforesaid non payment. In these circumstances, the above Family Court Appeal is dismissed. However, there shall be no order as to costs.

6 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J].